

April 8, 1975

SENATOR GOODRICH: How do you get legal sanction?

SENATOR CAVANAUGH: By exempting him from any criminal penalties for any such sexual assault. This is what section six does.

SENATOR GOODRICH: I'm not sure that a man can criminally assault, unless he uses violence or something like that. That we are not talking about.

SENATOR CAVANAUGH: Senator Goodrich, Section six says that a person shall not be guilty of criminal sexual assault of this act if the victim is his or her legal spouse. Section three says, that a person shall be guilty of sexual assault in the first degree when this person subjects another person to sexual penetration and overcomes the victim by force, threat of force, express or imply coercion, or deception. You would apply that and a penalty is in section four. There is a penalty for that kind of conduct. Section six says that you can perpetrate that kind of conduct upon your wife or husband without criminal sanction. It allows you to beat your wife into sexual submission. That is the principle you are endorsing when you accept section 6.

SENATOR GOODRICH: It is not in my mind John.

SENATOR CAVANAUGH: That is what the words say Senator Goodrich.

SENATOR GOODRICH: I think that it is a problem of you and I interpreting them different.

SENATOR CAVANAUGH: No further questions.

PRESIDENT: Senator Kelly, oh excuse me, Senator Cavanaugh isn't finished with his time.

SENATOR CAVANAUGH: I will save for closing.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, members of the legislature, I would like to ask this question of Senator Goodrich. Should section six be deleted will that then allow a husband to sexually attack his wife who is living apart, or sexually attack one who is under separate maintenance? Or will that allow him the ability to sexually attack his divorced wife?

SENATOR GOODRICH: In the original intent of the bill, if for example they are separated and or divorced it completely becomes a separate situation. So, can we split the question, divide the question for example? Now as we all know for example that our legal protections for a woman that gets beaten for example by her husband. Now, what my contention is that the separate statutes dealing with striking your wife for example, threatening her with a gun, or a knife or anything else, dealt with in other sections in the statute